

anyone here might have any information on that matter to clear that point up.

First, I don't know what was said to be sensitive. In Near versus Minnesota, it says the only thing that may possibly be subject to a prior restraint is that which is of the nature of giving information as to troop ship movements in time of war or the location of massing of troops and things of that description.

So it is very difficult for anyone to use the published Papers to determine whether this is true. And it is very difficult even for Congressmen who have access to the total Papers to know precisely what is referred to.

Perhaps Mr. Ellsberg could comment on whether or not any of these Papers do appear to be within the Near versus Minnesota exception. The court says they aren't, but we have no way presently to get any guidance, even if we have access to the full Papers, as to what these various items named by the Solicitor General as sensitive matters are.

I would like to know what they are, at least as something of a guide. I do have access to the Papers as a Member of Congress, but it is pretty difficult to search through many, many pages without any indication of what the government is pointing out as such sensitive material.

ELLSBERG: I sympathize with your problem because, to my knowledge, no page of it meets that criteria. I am not privy to what the government claimed these items were.

It is a question of what the Defense Department and the Justice Department claim is sensitive material, since, <sup>I believe,</sup> ~~in fact,~~ this claim was limited to two district court judges who ruled against it in their opinion.

But it would seem to me that Congress will have to make some decision on how to deal with these documents and when and how to make them available to the public. It should surely be interesting and it surely should be revealed what, in the government's opinion and the Executive's opinion, is sensitive material.

I read in the paper that Secretary Rogers had offered to give his opinion on this to the papers. I don't know whether they availed themselves of that but I should think the Congress should ask for that list.

ECKHARDT: I would like to know what was on those lists which were delivered in camera. I would be willing to accept it under any limitations or conditions because it seems to me that unless one knows what the list is, to merely riffle through thousands of pages of paper is a rather fruitless and difficult task in order to determine what our policy was with respect to classification.

ELLSBERG: Has Congress not asked the Executive for that permission?  
*information?*

EDWARDS: We had a vote on the floor of the House that we lost. The vote was whether or not all of the volumes would be made available to all of us and we were voted down in the House of Representatives.